United Nations CEDAW/C/SR.1318

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
20 July 2015

English only

**Committee on the Elimination of Discrimination against Women**
**Sixty-first session**

**Summary record (partial)* of the 1318th meeting**
Held at the Palais des Nations, Geneva, on Tuesday, 14 July 2015, at 3 p.m.

*Chairperson:* Ms. Hayashi

## Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

*Combined fifth and sixth periodic reports of the Plurinational State of Bolivia* (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings held during this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-12065 (E)

Please recycle

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*)

*Combined fifth and sixth periodic reports of the Plurinational State of Bolivia* (continued) (CEDAW/C/BOL/5-6, CEDAW/C/BOL/Q/5-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bolivia took places at the Committee table.*

*Articles 7 to 9*

2. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that, unfortunately, only 5 of 33 ambassadors were women and no missions to international organizations were headed by a woman. There were nevertheless many highly competent and deserving women in positions of authority, including some working on the promotion of women's rights and she hoped that more women ambassadors would be appointed. She had no other statistics relating to the number of women in the diplomatic and foreign service.

*Articles 10 to 14*

3. **Ms. Bailey** said that the Avelino Siñani-Elizardo Pérez Education Act set laudable goals for the elimination of stereotypes and cultural patterns that discriminated against women and indigenous peoples and for the establishment of a high-quality, non-colonialist and non-patriarchal educational system for all Bolivians. However, the Committee had information that the measures envisaged to meet the needs of indigenous communities were gradually being abandoned and the three indigenous universities mentioned in the report were in fact gradually adopting the standard curriculum. She wondered if that was the case and, if so, whether any steps were envisaged to return to the goals of the Education Act with a view to reaffirming indigenous and Afro-Bolivian culture.

4. She took note of the fact that while the school enrolment rate had declined somewhat between 2008 and 2010, from 71.7 per cent to 70.6 per cent, and that there were slightly more girls than boys enrolled overall, but expressed concern that 30 per cent of children did not attend school. It was important to develop statistics to identify who those children were: poor, rural, indigenous, Afro-Bolivian, etc. Given the significant proportion of the State party's gross domestic product allocated to education, measures should be adopted to increase enrolment at the primary level at least, in particular for girls.

5. Only 58 per cent of students completed their secondary education, with girls again slightly more numerous than boys. It was not sufficient, however, to simply compare boys and girls; it was necessary to develop data to identify which groups of girls succeeded and which did not. Approximately 42 per cent of girls did not complete secondary school. Was that because they became pregnant, as was the case for 18 per cent of teenage girls in 2008? Were they rural, indigenous, Afro-Bolivian, or lower class? According to the report, dropout rates, while falling, continued to be higher in rural areas than in urban areas. Why did children drop out and which groups were most affected? More complete disaggregated statistics were needed in those areas and in general in order to identify and rectify problems.

6. She welcomed the State party's efforts to eliminate gender discrimination and noted with interest the first report of the Plurinational Observatory of Education Quality identifying the frequency and types of discrimination reported between October 2010 and the first quarter of 2012. Information on any measures adopted to address the problems highlighted in that report would be welcome.

7. **Ms. Ameline**, with regard to article 11, expressed concern that the State party's efforts to redistribute wealth and strengthen the protection of human rights either did not seem to have increased equality for women, in particular the most vulnerable women such as indigenous women, or had in fact worsened their situation. In the area of domestic work, despite an adequate legal framework, she wondered what real improvement had been made in such areas as pay and working conditions. Women were often underemployed or their work was undervalued and while by law they had equal rights to work in principle, she wondered if they had access to appropriate training for the available jobs, were free to work even if their spouse did not approve and had access to childcare and if indigenous women still needed to obtain citizenship papers in order to apply for loans. She said that medium and larger enterprises should have a quota for the number of women employees.

8. She asked what specific role women were playing in the transition to a society in harmony with the environment. She expressed concern at the size of the informal sector of the economy; given the large numbers of women working in the informal sector, often in poor conditions, she asked what measures were envisaged to formalize and professionalize those jobs. She regretted that there were more than 800,000 child and adolescent workers and called on the State party to increase its efforts to eliminate child labour, for example by repealing the provisions of the law allowing children to work from 10 years of age in certain conditions. She noted that the Constitution prohibited forced labour and exploitation of children and and said that she would appreciate information on any prosecutions in that regard and on any sanctions imposed.

9. **Ms. Arocha Domínguez**, with regard to article 12, took note of the Act on the Provision of Comprehensive Health Care of the Plurinational State of Bolivia and the Act on Ancestral Bolivian Medicine and said that she would be grateful for information on progress made towards the universalization of health care and, in particular, the integration of traditional medicine into the health-care system. She asked whether any measures were envisaged to discourage traditional practices that were in fact detrimental to women's health. She was concerned that average life expectancy was only in the mid-60s and would appeciate statistics on the main causes of death and the differences among groups of women and between men and women.

10. She enquired whether the factors contributing to teenage pregnancy were still the same as those listed in the report (para. 339) and whether there were still significant differences between rural and urban areas in maternal mortality rates and number of children per woman. Information should be provided on strategies to help pregnant girls and avoid early pregnancy, for example sexual and reproductive health education, including how to prevent sexually transmitted infections. She welcomed the Constitutional Court ruling that eliminated the requirement for judicial authorization of abortion in cases of pregnancy resulting from sexual violence but wondered if that ruling had had any practical effect in increasing women's access to abortion. She asked if women who had illegal abortions had the right to health care in cases where there were complications and whether they could still face sanctions for having an illegal abortion. While emergency contraception had been approved, she wondered whether young people, health-care professionals and the relevant authorities were aware of that fact and whether it was readily accessible.

11. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Avelino Siñani-Elizardo Pérez Education Act incorporated the consitutional goal of creating a non-colonialist and non-patriarchal education system. It aimed to promote attendance and retention of young people in school, in particular girls. To that end a new curriculum had been developed, stipends, bursaries and financial incentives had been made available to children and their families, school meals and transportation were provided and special attention had been paid to indigenous and rural communities.

12. School infrastructure and teaching materials had been improved and new facilities built. Increasing numbers of teachers were trained professionals. Thanks to the national "Yes, I Can" (*Yo si puedo*) literacy campaign, illiteracy had been virtually eliminated; approximately 827,000 people over the age of 15 had learned to read and write, including 700,000 women, mostly from rural areas.

13. The 2015–2020 Plurinational Plan for the Prevention of Pregnancies in Adolescents and Young Adults set out guidelines to help reduce teen pregnancy and thereby avoid illegal abortions at a young age. In that context, she recalled that judicial authorization for an abortion in cases involving sexual violence was no longer necessary.

14. **Ms. Arocha Domínguez** said that updated statistics should be provided so that the Committee could better understand the effects of programmes and policies. The Committee had, for example, information from civil society representatives that the Constitutional Court decision regarding abortions in cases of sexual violence was not being applied. Were statistics available on the number of abortions carried out under that new policy? Statistics should also be made available on the causes of death among men and women and on the availability and use of contraception, including emergency contraception.

15. **Ms. Ameline** underscored the need for detailed disaggregated information about the situation of women in the labour market, measures to close the gap between women and men in society and the practical implementation of relevant legislation and programmes.

16. **Ms. Bailey** said that more data must be developed on whether or not the State party was succeeding in its goal of establishing a truly plurinational educational system and society. General figures were not sufficient; disaggregated statistics were needed to reflect the relative situations of indigenous, Afro-Bolivian, low-income and rural students. Such statistics were essential for the identification of problem areas and the preparation of measures to address inequalities.

17. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Government had begun to implement Constitutional Court ruling No. 0206/2014, which repealed the requirement for women victims of rape or incest to obtain a court authorization before undergoing an abortion. However, more awareness-raising activities and campaigns would be required to ensure that all doctors and health-care professionals were fully informed of the ruling's provisions.

18. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that the Government had implemented a wide range of measures to eradicate extreme poverty, including the nationalization of the country's leading utility companies, and would continue to increase the number of education, training and employment opportunities available to women so that they could improve their overall standard of living.

19. With regard to access to education, the Government had introduced a scholarship scheme to enable the best female students to continue their studies at the secondary and tertiary level. Vocational training, community involvement and indigenous language, culture and knowledge were promoted under the the Avelino Siñani-

Elizardo Pérez Education Act, which aimed to improve the employment prospects of women, particularly those living in indigenous or rural communities. At present, disaggregated data on the educational achievements of women and girls were not available, but it was hoped that data collected as part of the 2012 census would provide further information.

20. The Government had taken numerous steps to encourage women's economic development and uphold their property and landownership rights, which had resulted in more land titles being granted to women than men in recent years. While it was true that the number of women working in the informal sector was substantial, efforts had been made to encourage their transition to the formal sector and provide them with access to social security benefits. For example, the Government had conducted a number of social security reforms so that all women, regardless of their employment status, could receive maternity benefits.

21. With regard to women's access to health care, measures had been adopted to ensure that women could easily access both traditional and modern medicines as they saw fit and in accordance with their medical needs. The delegation would provide detailed statistics on women's mortality rates and the main causes of death at a later date.

22. **Ms. Arocha Domínguez** asked what steps had been taken to ensure that women benefited from the country's recent economic growth, particularly disadvantaged women, and to consult indigenous women on mining and extractive activities that directly affected their lands. She also wished to know what steps had been taken to guarantee women's access to loan and credit facilities. Lastly, she asked what efforts had been made to encourage and promote women's participation in sporting events at the national and international level.

23. **Ms. Pomeranzi** asked what efforts had been made to remove the obstacles hindering women's access to property and landownership, such as the lack of personal identification papers that prevented their registration as landowners, their exclusion from the land reorganization process, and the lack of knowledge of the regulations and procedures for obtaining land titles. She also wished to know what specific measures had been taken by the National Institute of Agrarian Reform to combat the exploitation of Guaraní women living and working under conditions of servitude in remote, rural areas and to prosecute and punish those responsible for such exploitation.

24. As for migrant women, she wished to know whether the State party had introduced any special legislation or policies in recognition of the large contributions to the national economy made by Bolivian women living overseas through remittances. Regarding older women, she asked what efforts had been made to ensure that women over 60, in particular Afro-descendant and indigenous women, had access to the social security system, including the basic State pension. She also wished to know whether measures had been taken to fully implement the provisions of the Convention on the Rights of Persons with Disabilities and uphold the rights of women and girls with disabilities. Concerning refugee women, she asked whether specific policies had been introduced to protect women in transit through the country from sexual violence and abuse, especially along the border with Colombia. Lastly, she wished to know whether the State party had fully implemented the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

25. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that the Government was in the process of improving access to credit and loan facilities for women, particularly rural and indigenous women who were unable to provide any form of

deposit or guarantee. It had also set up programmes to encourage more women to start their own businesses, particularly in the weaving, fish breeding, poultry farming and forestry management industries.

26. As for women's participation in sport at the national and international level, funding had been made available to talented sportswomen to enable them to strengthen their skills and participate in international competitions and events. Efforts had also been made to seek out talented female athletes living in rural and indigenous communities across the country.

27. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that many incentives had been introduced to facilitate migrant women's return to the country, including the lifting of tariffs on personal items. All women, without discrimination, were entitled to the basic State pension, which provided a dignified standard of living. With regard to women with disabilities, the Government provided special mobility and childcare allowances to encourage women with disabilities to take up employment in the open labour market. It had also recently introduced legislation requiring all public bodies to allocate 4 per cent of their vacancies to persons with disabilities.

28. Very few women sought refugee status in the country. Former Peruvian women refugees had settled in well to Bolivian life and faced no discrimination. The Government continued to uphold the rights of women refugees and prosecuted acts of violence or abuse against them whenever and wherever they occurred. With regard to access to justice, women continued to experience delays in the processing of their cases and suffered overcrowded prison conditions. Efforts were under way to improve the situation as quickly as possible.

29. **Ms. Pomeranzi** said that the question on the rights of indigenous women had not been answered; that was an issue that the Committee considered particularly important. With regard to refugee women and disadvantaged women seeking support, it was not acceptable that the State was not monitoring specific situations of violence against women, including refugee women; such monitoring was the State's duty. The Committee would like there to be more training for people who dealt with such women.

30. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Ministry of Rural Development and Land had succeeded in fostering women's access to land in rural areas. Relevant issues had been included in the public agenda and the "Patriotic Agenda 2025". A significant revolution in community-based production had occurred, and women's access to land had risen by 46 per cent. Women were now landowners and their access to water, technology, training and technical assistance had improved significantly. Their income had also increased.

*Articles 15 and 16*

31. **Ms. Halperin-Kaddari** commended the State party on its new code on families and related proceedings (Código de las Familias y del Proceso Familiar) and welcomed the fact that "family" was in the plural form, as it implied that various kinds of families were covered. What measures was the Government taking to raise awareness of that new code, which would come into effect in August 2015? How was the Government ensuring that women, and specifically indigenous women, were made aware of the rights protected by the code? With regard to the Constitution's recognition of the existence, de jure and de facto, of a plural legal system in the country, it was not clear what actual effect legal pluralism had on the personal status law or family law of the State party. Neither the report nor the replies, where the new families code was described, contained information on the issue of inheritance, which

was tied to the question of landownership. The written reply to question No. 20 of the list of issues suggested that it was customary law and not civil law that governed inheritance and that customary law still stood in the way of women's owning land. Could the delegation clarify the statement in its written replies to the effect that women faced challenges in gaining true control of land because of customs that favoured men and current inheritance law?

32. An alternative source had emphasized that the new code stated that custody of children should be shared and equal. Could the delegation clarify whether that was true? Did that mean that legal custody was shared equally between women and men? How would the code affect the issue of physical custody when parents separated or divorced? Did it entail a presumption of equal physical custody after divorce, which was a controversial issue?

33. De facto relationships had been protected under the Constitution, but were now even easier to enter into. Were such relationships recognized only after the couple had registered? Was there a registrar of de facto relations? Clarification was needed on the rights and obligations of de facto partners, including those who were not registered, towards each other and the State.

33. Turning to the issue of unremunerated domestic work, how was the concept of recognizing the value of unremunerated housework being put into effect with respect to the issue of distribution of property when couples separated? Was there recognition of unremunerated housework in which the woman might have engaged? Was she entitled to half the share of the household assets? Did it include pension rights and other work-related benefits that the men had accrued at the expense of her unremunerated housework?

35. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that within the framework of the code on families and related proceedings established pursuant to Act No. 603, substantial gender-related content had been incorporated, reflecting the fact that women were subjects in law and not the object of protection. In that context, the code established clearly, with reference to child custody, for example, that in cases of divorce, parents could reach an agreement to share custody so as to promote the father-child or mother-child relationship.

36. Recognition of de facto unions under the law required a simple application to the registry office by the parties concerned, and the union took effect from the time when the couple began living together voluntarily, with the same legal effects in respect of succession, inheritance and other civil and family matters as those of formal marriages. That was part of the new regulatory framework that would come into force on 6 August 2015.

37. **Ms. Velasco** (Plurinational State of Bolivia) said that, previously, divorce proceedings could take up to 10 years in the courts. Now public notaries could handle divorce cases when there were no children or assets involved. In such cases, couples could go directly to a notary to get divorced and did not need to go through the courts. The cost was 1,900 bolivianos. The process took about 30 days and was voluntary. The involvement of notaries had also helped in reducing the backlog in the courts of civil, family and other cases.

38. With regard to custody, she understood that parents who were separating could come to an agreement about the shared custody over their children, including physical custody. However, she wished to know what happened when there was no agreement between the parents. Did the new law provide for a presumption of shared physical custody, meaning that, by default, the law would promote shared physical custody? What happened when couples lived together without registration; were they accorded the same rights as couples in de facto unions, or was there no recognition of their

relationship? Lastly, how was marital property divided in cases of separation or divorce: was the non-financial contribution that women might have made to the assets accumulated during the couple's life together recognized?

39. **Ms. Pimentel** said that the fee of US$ 150 that was applied when one went to a notary for a divorce was in fact a significant sum: there were women in poverty who would probably have difficulty paying it. Where the woman could not pay the fee, and in all situations where she could not afford to access justice, was legal counsel available free of charge?

40. **Ms. Velasco** (Plurinational State of Bolivia) said that divorce used to cost 10,000 bolivianos, 5,000 of which were to be paid by the husband and 5,000 by the wife. Keeping low-income individuals in mind, she herself had pushed for notaries to lower their fee, and they had brought their fee down from 2,500 bolivianos. It was by mutual agreement that couples wishing to get divorced went to a notary. If a lawyer was absolutely necessary, the State, through its justice services, provided a lawyer free of charge. The State was setting up multidisciplinary teams of lawyers, social workers, psychologists and others to help low-income individuals to have access to such services.

41. She was grateful to the members of the Committee for the respectful tone of the interactive dialogue, for their efforts to understand the situation in the Plurinational State of Bolivia, and for their recognition of the advances her country had made. Her Government considered that there was much to be done, but that it also had good practices to share with other countries. She hoped that her country would come to eliminate discrimination.

42. **The Chairperson** said that she was grateful to the delegation for the constructive dialogue with the Committee, which had given it further insight into the situation of women in the Plurinational State of Bolivia. She encouraged the State party, for the benefit of all women and girls, to take all necessary measures to address all the recommendations of the Committee, which would be communicated to it via its permanent mission. The Committee looked forward to receiving the next periodic report.

*The meeting rose at 5 p.m.*